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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/031,399

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Katsuhisa Satoh

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7590

06/03/2004

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EXAMINER

CHEN, TIANJIE

ART UNIT

PAPER NUMBER

2652

5

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/031,399

Applicant(s)

SATO, KATSUHISA

Examiner

Tianjie Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,8,9,12,18 and 19 is/are rejected.
- 7) ☒ Claim(s) 4,6,7,10,11,13-17 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____.  |

## ***Non-Final Rejection***

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/JP01/04207, filed on 05/21/2001.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - Claims 5 and 12 recite the limitation "said fit pawls of said step plate and said clap plate" in lines 1-2. There is insufficient antecedent basis for this limitation in the claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 3, 8, 9, 18, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakurai et al (US 6,345,030).

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With regard to claim 1, Sakurai et al shows a disc player in Fig. 1 including: positioning unit 11 (Column 5, lines 25-37) for positioning a disc; clamper unit 10 (Column 5, lines 16-17) for performing a clamp operation on the disc positioned by the positioning unit; and a drive unit 9 that has a pickup (Column 5, lines 38-44) and a turntable Ta, and rotates the disc clamped on the turntable by the clamp unit to take out information from the disc by the pickup, wherein the positioning unit 11 and the clamper unit 10 are provided separately from each other and movable substantially vertically to the drive unit (Column 2, lines 64-67 and column 5, lines 36-37).

With regard to claim 2, Sakurai et al further shows a step plate 11 equipped to the positioning unit and a clamp plate 10A equipped to the clamper unit are engaged with a cam groove of a cam plate 6 movable in parallel to a drive plate equipped to the drive unit, and movable vertically to the drive plate by movement of the cam plate.

With regard to claim 3, Sakurai et al further shows that the step plate and the clamp plate are moved in synchronism with each other and vertically to the drive plate by the movement of the cam plate 6.

With regard to claims 8, 18 and 19, Sakurai et al further shows that claim 1, wherein the moving amounts of the positioning unit and the clamper unit are set to different values.

With regard to claim 9, Sakurai et al shows that the moving amount of the clamper unit is the length of groove 4c (Fig. 2), which is set to a value larger than that of the positioning unit (the length of groove 4d (Fig. 2)).

***Allowable Subject Matter***

4. Claims 4, 6, 7, 10, 11, 13-17, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 5 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

- With regard to claims 4, 5, 11, 12, and 13, as the closest reference, Sakurai (6,345,030) shows a disc player including: positioning unit, clamper unit, and a drive unit, and fit members which are provided to the step plate and the clamp plate and engaged with the cam grooves of the cam plate; **but fails to show** they comprise fit pawls that are integrally formed by bending and erecting.
- With regard to claims 6, 14, and 15; as the closest reference, Sakurai (6,345,030) shows a disc player including: positioning unit, clamper unit, and a drive unit, and fit members which are provided to the step plate and the clamp plate and engaged with the cam grooves of the cam plate; **but fails to show** the positioning unit is designed so as to position plural kinds of discs that are different in size.
- With regard to claims 7, 16, and 17; as the closest reference, Sakurai (6,345,030) shows a disc player including: positioning unit, clamper unit, and a drive unit, and fit members which are provided to the step plate and the clamp plate and engaged with the cam grooves of the cam plate; **but fails to show**

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**that** the positioning unit has a step plate, a G plate which is freely rotatably provided to the step plate and has, at one end thereof, a disc stopper on which a disc can be supported, and a sensor arm having, at one end thereof, an arm rod that can be fitted to the disc, the fitting positions of the other ends of the G plate and the sensor arm being changeable in accordance with plural discs different in diameter so that the discs can be positioned.

- With regard to claims 10 and 20; as the closest reference, Sakurai (6,345,030) shows a disc player including: positioning unit, clamper unit, and a drive unit, and fit members which are provided to the step plate and the clamp plate and engaged with the cam grooves of the cam plate; **but fails to show** that the moving amount of the positioning unit is set so that a vibration-isolation stroke can be kept, and the moving amount of the clamper unit is set so that the vibration-isolation stroke can be kept and the clearance between the clamper unit and the clamper ring for clamping the disc onto the turntable can be kept.

### **Conclusion**

7. The prior art made of record in PTO-892 Form and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is (703) 305-7499. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Chen Franje 05/29/04*  
TIANJIE CHEN  
PRIMARY EXAMINER